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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,012	11/14/2003	Wu-Hong Hsieh	T-1276	1959
802	7590	03/21/2005		
DELLETT AND WALTERS P. O. BOX 2786 PORTLAND, OR 97208-2786			EXAMINER LOCKETT, KIMBERLY R	
			ART UNIT 2837	PAPER NUMBER

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,012

Applicant(s)

HSIEH, WU-HONG

Examiner

Kim R. Lockett

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liao (6188007) in view of Liao(6528714) .

Liao '007 discloses the use of a fixture adapted to combine with a drum stand which has a bracket having two legs(13) extending out from the bracket, a paddle (11) having a first distal end connected to the drum stand and a base having a first distal end connected to the bracket and a second end securely connected to the paddle.

Liao '007 does not disclose the use of a pair of rods threadingly extendable into opposite sides of the base.

Liao '714 discloses the use of a fixture adapted to combine with a drum stand with pair of rods threadingly extendable into opposite sides of the base, a pair of guiding grooves adapted to be oppositely defined in a bottom portion of the bracket of the drum stand to correspond to and receive therein the pair of ribs and a pair of notches adapted to be oppositely defined in a mediate portion of the bracket of the drum stand to correspond to and receive therein the pair of threaded bolt rods (see figure 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the fixture as disclosed by Liao('007) with the bolting means as disclosed by Liao('714) in order to provide a locking support system for pedals.

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liao (6188007) in view of Lombardi(6822150).

Liao '007 discloses the use of a fixture adapted to combine with a drum stand which has a bracket having two legs(13) extending out from the bracket, a paddle (11) having a first distal end connected to the drum stand and a base having a first distal end connected to the bracket and a second end securely connected to the paddle.

Liao '007 does not disclose the use of a pair of rods threadingly extendable into opposite sides of the base.

Lombardi('150) discloses the use of a fixture adapted to combine with a drum stand with a pair of guiding grooves oppositely defined in a bottom portion of the base (see figure 1), a pair of notches oppositely defined in a mediate portion of the base, a pair of ribs formed on a bottom portion of the bracket to correspond to and receive therein the ribs and a pair of threaded bolt rods formed on a mediate portion of the bracket to correspond to and receive the notches (see figures 2-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the fixture as disclosed by Liao('007) with the bolting means as disclosed by Lombardi('150) in order to provide an adjustable support system for pedals.

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Papers related to this application may be submitted to Group 2800 by facsimile transmission. Papers should be faxed to Group 2800 via the PTO 2800 Fax Center at 703-872-9306.

For assistance in **Patent procedure, fees or general Patent questions** calls should be directed to the **Patents Assistance Center (PAC)** whose telephone number is **800-786-9199**. Assistance is also available on the Internet at www.uspto.gov.

Any inquiry concerning **this communication or earlier communications from the examiner** should be directed to **Kim Lockett** whose telephone number is **(703) 308-7615, after 2/3/04 my new number will be (571) 272-2067**. The examiner can normally be reached on Tuesday through Friday from 6:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107.


KIMBERLY LOCKETT
PRIMARY EXAMINER